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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,377	10/16/2001	Mark K. Wallach	65816-0004	4186

10291 7590 05/21/2003

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EXAMINER

FERGUSON, MARISSA L

ART UNIT	PAPER NUMBER
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2854

8

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/978,377

Applicant(s)

WALLACH, MARK K.

Examiner

Marissa L Ferguson

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-8 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lapohn (U.S. Patent 5,770,797) in view of Patti (U.S. Patent 5,922,152).

Regarding claims 1,6,8, 13 and 15, Lapohn teaches an air pressure measuring system comprising a bracket structure (64), an air pressure gauge mounted to a bracket structure (16), a conduit that is in communication with at least one air pressure gauge (56) and an indicator (32 and Column 5, Lines 1-26). However, Lapohn does not explicitly teach a bracket structure (30) mounted to an inside surface of a wheel rim (14). Patti teaches a wheel bracket that is attached to a wheel rim (Abstract and Column 4, Lines 62-67) of an outside wheel assembly (Column 9, Lines 1-52) and is used for holding objects in a desired position on a vehicle wheel rim.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Lapohn to include the device mounted to the inside surface of a rim as taught by Patti, since Patti teaches a

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bracket that holds a variety of objects and allows a position of an attached object to be adjusted.

Regarding claims 3,4,10, and 11, Laphon teaches strips of reflective material/micro-prism retro reflective elements (30 and Column 4, Lines 52-65).

Regarding claims 5 and 12, Laphon teaches a Bourdon tube type pressure gauge (32).

Regarding claims 7 and 14, Laphon teaches an air pressure gauge including a pair of stop posts (39) and a mounting assembly to an inside surface of a wheel assembly (Figure 6).

2. Claims 2 and 9 are rejected under 35 U.S.C.103 (a) as being unpatentable over Laphon (U.S. Patent 5,770,797) in view of Patti (U.S. Patent 5,922,152) as applied to claim 1, and further in view of Connell (U.S. Patent 3,915,502).

Laphon teaches the invention claimed except he does not explicitly disclose that a structure mounted to an inside surface of a wheel assembly by using adhesive tape. However, any type of adhesive or mounting structure can be used to mount a structure to an inside surface of a wheel. For example, Connell discloses mounting a structure to an inside surface of a wheel assembly by using adhesive tape (Abstract). The tape arrangement is beneficial in providing a cushioning effect to enhance retention properties.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Laphon to include a

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structure mounted by adhesive tape taught by Connell, since Connell teaches the use of adhesive tape for mounting a structure in order to enhance resiliency properties.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L Ferguson whose telephone number is (703) 305-3194. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

Marissa L Ferguson
Examiner
Art Unit 2854

MLF

May 21, 2003


ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800